

PROFESSIONAL LICENSING AND REGULATION BUREAU[193]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 546.2, the Professional Licensing and Regulation Bureau hereby gives Notice of Intended Action to amend Chapter 7, "Contested Cases," and Chapter 8, "Denial of Issuance or Renewal of License for Nonpayment of Child Support or Student Loan," Iowa Administrative Code.

These amendments implement changes required by the passage of 2008 Iowa Acts, Senate File 2428, which was signed by the Governor on May 15, 2008. Additional changes update citations to the Rules of Civil Procedure and change the use of the terms "registrant" to "licensee" and "certificate of registration" to "license."

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

Consideration will be given to all written suggestions or comments received on or before August 19, 2008, concerning the proposed amendments. Comments should be addressed to Glenda Loving, Professional Licensing and Regulation Bureau, 1920 S.E. Hulsizer, Ankeny, Iowa 50021, or faxed to (515)281-7411. E-mail may be sent to glenda.loving@iowa.gov.

These amendment are intended to implement 2008 Iowa Acts, Senate File 2428.

The following amendments are proposed.

ITEM 1. Amend rule 193—7.43(252J) as follows:

193—7.43(252J) ~~Certificates of noncompliance~~ Suspension or revocation of a license upon receipt of certificate of noncompliance—child support. The board shall suspend or revoke a ~~certificate of registration~~ license upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, this rule shall apply.

7.43(1) The notice required by Iowa Code section 252J.8 shall be served upon the ~~registrant~~ licensee by restricted certified mail, return receipt requested, or personal service in accordance with Rule of Civil Procedure ~~56.4~~ 1.305. Alternatively, the ~~registrant~~ licensee may accept service personally or through authorized counsel.

7.43(2) The effective date of revocation or suspension of a ~~certificate of registration~~ license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service of the notice upon the ~~registrant~~ licensee.

7.43(3) The board's executive officer is authorized to prepare and serve the notice required by Iowa Code section 252J.8 and is directed to notify the ~~registrant~~ licensee that the ~~certificate of registration~~ license will be suspended, unless the ~~registration~~ license is already suspended on other grounds. In the event a ~~registration~~ license is on suspension, the executive officer shall notify the ~~registrant~~ licensee of the board's intent to revoke the ~~certificate of registration~~ license.

7.43(4) ~~Registrants~~ Licensees shall keep the board informed of all court actions, and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J, and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

7.43(5) All board fees for license renewal or reinstatement must be paid by ~~registrants~~ licensees and all required continuing education must be satisfied before a ~~certificate of registration~~ license will be

renewed or reinstated after the board has suspended or revoked a license pursuant to Iowa Code chapter 252J.

7.43(6) In the event a registrant licensee files a timely district court action following service of a board notice pursuant to Iowa Code sections 252J.8 and 252J.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of revocation or suspension of a certificate of registration license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

7.43(7) The board shall notify the registrant licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a certificate of registration license, and shall similarly notify the registrant licensee or applicant when the certificate of registration license is issued or renewed following the board's receipt of a withdrawal of the certificate of noncompliance.

ITEM 2. Amend rule 193—7.44(261) as follows:

193—7.44(261) Suspension or revocation of license upon receipt of a certificate of registration noncompliance—student loan. The board shall suspend or revoke a certificate of registration license upon receipt of a certificate of noncompliance from the college student aid commission according to the procedures set forth in Iowa Code section 261.126. In addition to those procedures, this rule shall apply.

7.44(1) The notice required by Iowa Code section 261.126 shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules Rule of Civil Procedure 1.305. Alternatively, the registrant licensee may accept service personally or through authorized counsel.

7.44(2) The effective date of revocation or suspension of a certificate of registration license, as specified in the notice required by Iowa Code section 261.126, shall be 60 days following service of the notice upon the registrant licensee.

7.44(3) The board's executive officer is authorized to prepare and serve the notice required by Iowa Code section 261.126, and is directed to notify the licensee that the certificate of registration license will be suspended, unless the certificate of registration license is already suspended on other grounds. In the event a certificate of registration license is on suspension, the executive officer shall notify the registrant licensee of the board's intention to revoke the certificate of registration license.

7.44(4) Registrants Licensees shall keep the board informed of all court actions and all college student aid commission actions taken under or in connection with Iowa Code chapter 261 and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 261.127, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the college student aid commission.

7.44(5) All board fees required for registration license renewal or registration license reinstatement must be paid by registrants licensees and all continuing education requirements must be ~~met~~ satisfied before a certificate of registration license will be renewed or reinstated after the board has suspended or revoked a license pursuant to Iowa Code chapter 261.

7.44(6) In the event a registrant licensee timely files a district court action following service of a board notice pursuant to Iowa Code sections 261.126 and 261.127, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a certificate of registration license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

7.44(7) The board shall notify the registrant licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a certificate of registration license, and shall similarly notify the registrant licensee when the certificate of registration license is reinstated following the board's receipt of a withdrawal of the certificate of noncompliance.

ITEM 3. Adopt the following new rule 193—7.45(272D):

193—7.45(272D) Suspension or revocation of a license upon receipt of certificate of noncompliance—state debt. The board shall suspend or revoke a license upon the receipt of a certificate of noncompliance from the centralized collection unit of the department of revenue according to the procedures in Iowa Code chapter 272D. In addition to the procedures set forth in Iowa Code chapter 272D, this rule shall apply.

7.45(1) The notice required by Iowa Code section 272D.8 shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Rule of Civil Procedure 1.305. Alternatively, the licensee may accept service personally or through authorized counsel.

7.45(2) The effective date of revocation or suspension of a license, as specified in the notice required by Iowa Code section 272D.8, shall be 60 days following service of the notice upon the licensee.

7.45(3) The board's executive officer is authorized to prepare and serve the notice required by Iowa Code section 272D.8 and is directed to notify the licensee that the license will be suspended, unless the license is already suspended on other grounds. In the event a license is on suspension, the executive officer shall notify the licensee of the board's intent to revoke the license.

7.45(4) Licensees shall keep the board informed of all court actions and all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D, and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

7.45(5) All board fees for license renewal or reinstatement must be paid by licensees, and all required continuing education must be satisfied before a license will be renewed or reinstated after the board has suspended or revoked a license pursuant to Iowa Code chapter 272D.

7.45(6) In the event a licensee files a timely district court action following service of a board notice pursuant to Iowa Code sections 272D.8 and 272D.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of revocation or suspension of a license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

7.45(7) The board shall notify the licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a license and shall similarly notify the licensee or applicant when the license is issued or renewed following the board's receipt of a withdrawal of the certificate of noncompliance.

ITEM 4. Amend **193—Chapter 7**, as follows:

These rules are intended to implement Iowa Code chapters 17A, 252J, 272C, 272D, 542, 542B, 543B, 543D, 544A, 544B, and 544C and Iowa Code sections 261.126, 261.127 and 546.10.

ITEM 5. Amend **193—Chapter 8**, as follows:

CHAPTER 8

DENIAL OF ISSUANCE OR RENEWAL OF LICENSE FOR NONPAYMENT OF CHILD SUPPORT, ~~OR~~ STUDENT LOAN, OR STATE DEBT

ITEM 6. Amend subrule 8.1(1) as follows:

8.1(1) The notice required by Iowa Code section 252J.8 shall be served upon the licensee or applicant by restricted certified mail, return receipt requested, or personal service in accordance with Rule of Civil Procedure ~~56.1~~ 1.305. Alternatively, the licensee or applicant may accept service personally or through authorized counsel.

ITEM 7. Amend subrule 8.2(1) as follows:

8.2(1) The notice required by Iowa Code section 261.126 shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with ~~the Iowa Rules~~ Rule of Civil Procedure

1.305. Alternatively, the applicant or licensee may accept service personally or through authorized counsel.

ITEM 8. Adopt the following new rule 193—8.3(272D):

193—8.3(272D) Nonpayment of state debt. The board shall deny the issuance or renewal of a license upon the receipt of a certificate of noncompliance from the centralized collection unit of the department of revenue according to the procedures in Iowa Code chapter 272D. In addition to the procedures set forth in Iowa Code chapter 272D, this rule shall apply.

8.3(1) The notice required by Iowa Code section 272D.8 shall be served upon the licensee or applicant by restricted certified mail, return receipt requested, or personal service in accordance with Rule of Civil Procedure 1.305. Alternatively, the licensee or applicant may accept service personally or through authorized counsel.

8.3(2) The effective date of the denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code section 272D.8, shall be 60 days following service of the notice upon the licensee or applicant.

8.3(3) The board's executive officer is authorized to prepare and serve the notice required by Iowa Code section 272D.8 upon the licensee or applicant.

8.3(4) Licensees and applicants shall keep the board informed of all court actions and all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

8.3(5) All board fees for applications, license renewal or reinstatement must be paid by licensees or applicants and all continuing education requirements must be met before a license will be issued, renewed or reinstated after the board has denied the issuance or renewal of a license pursuant to Iowa Code chapter 272D.

8.3(6) In the event a licensee or applicant files a timely district court action following service of a board notice pursuant to Iowa Code sections 272D.8 and 272D.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

8.3(7) The board shall notify the licensee or applicant in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a license, and shall similarly notify the licensee or applicant when the license is issued or renewed following the board's receipt of a withdrawal of the certificate of noncompliance.

ITEM 9. Amend **193—Chapter 8**, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 252J and 272D and Iowa Code sections 261.126 and 261.127.